

# **FACT SHEET: 9/11 REFORMS CONFERENCE REPORT**

Today, the House will consider the conference report on S. 2845, the 9/11 Commission Recommendations Implementation Act. The conference report implements the vast majority of the recommendations of the 9/11 Commission. It overhauls our intelligence agencies and also institutes reforms in a broad range of other areas, including border security, aviation security, maritime security, emergency responders, public diplomacy, and law enforcement. On December 6, language was added to the conference report that is designed to clarify that the Pentagon retains chain-of-command relationship over intelligence activities.

Following is a summary of the conference report.

## ***Director of National Intelligence***

As recommended by the 9/11 Commission, the conference agreement creates a strong Director of National Intelligence (DNI), who will head the Intelligence Community; serve as the principal intelligence adviser to the President; and direct the implementation of the National Intelligence Program. At the same time, the agreement leaves the country's 15 intelligence agencies in their current departments. The budget authority provided to the DNI represents a compromise between the Senate and House bills. The conference agreement provides that the DNI shall "develop and determine" an annual budget for the nation's intelligence activities. The DNI shall also "ensure the effective execution" of the annual budget for intelligence activities. However, all intelligence funding will still flow through department comptrollers. Hence, as Reuters has pointed out, "The director of national intelligence will exercise significant control over intelligence funds but not the full control that the Senate and the 9/11 Commission had envisioned."

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## ***National Counterterrorism Center***

As recommended by the 9/11 Commission, the conference agreement establishes a National Counterterrorism Center (NCTC) within the Office of DNI to coordinate and unify all elements of counterterrorism operations planning. Like the Senate bill, the NCTC will be led by a strong director – who is appointed by the President and confirmed by the Senate and who directs and controls the NCTC staff (the House bill had created a director of significantly lesser stature).

## ***Privacy and Civil Liberties Board***

As recommended by the 9/11 Commission, the conference agreement establishes an independent Privacy and Civil Liberties Board that will be granted access to all government agencies to review policies and practices, and will be led by a Chair and Vice Chair confirmed by the Senate.

## ***Information Sharing Environment***

In order to better "connect the dots," as recommended by the 9/11 Commission, the conference agreement requires the President to establish an Information Sharing

Environment to facilitate the timely sharing of vital threat information among federal agencies and with relevant state, local, and private sector personnel.

#### FBI Restructuring

The conference agreement contains several important provisions restructuring the FBI's intelligence capability -- including creating an Intelligence Directorate within the FBI; requiring an intelligence workforce dedicated to intelligence discipline; and requiring intelligence personnel in FBI field offices.

#### National Preparedness

The conference agreement contains several provisions to enhance national preparedness, including providing help to emergency responders, enhancing public safety communications interoperability, and requiring the development of a strategy so that broadcast spectrum is available for public safety purposes. It also promotes the adoption of voluntary standards for private sector preparedness.

#### Foreign Policy

The conference agreement has a number of provisions concerning the relation between the United States and key Middle Eastern and South Asian countries as well as to improve the manner in which the United States conducts its foreign relations. For example, the agreement contains provisions to improve U.S. public diplomacy, exchange, and economic development programs in order to build good will and promote democracy and prosperity in the Middle East.

#### Aviation and Maritime Security

The conference agreement contains numerous provisions that are designed to improve the nation's aviation and maritime security, including the following:

- Requires the Department of Homeland Security (DHS) to develop and implement a national strategy for transportation security
- Requires the Transportation Security Administration (TSA) to begin checking airline passengers' names against federal terrorist watch lists (a task currently performed by the airlines)
- Authorizes \$150 million annually to fund the installation of explosives-detection equipment at airports
- Authorizes \$100 million for research and development into next-generation explosives-detection equipment for airports
- Requires the DHS to develop biometric identification technology to regulate access to secure areas of airports
- Requires development of air defense systems for commercial aircraft against shoulder-fired missiles
- Authorizes \$83 million to hire more air marshals and offer air marshal training to other federal law enforcement officers who fly regularly
- Requires the Department of Homeland Security to ensure that air marshals have anonymity
- Upgrades security features of pilot licenses
- Requires research on the development of blast-resistant cargo and baggage containers

- Requires TSA to develop better technologies for air cargo screening and to finalize its air cargo regulations within 8 months
- Requires the Department of Homeland Security to implement a system for screening the names of passengers and crew of cruise ships docking in the U.S. against federal terrorist watch lists

### Border Security

The conference agreement also contains numerous provisions that are designed to improve the nation's border security, including the following:

- Requires the testing of advanced technology – including sensors, video, and unmanned aerial vehicles – to secure the northern border
- Requires the Department of Homeland Security to devise a plan for systemic surveillance of the southwest border by remotely piloted aircraft
- Increases the number of full-time border patrol agents by 2,000 per year for 5 years
- Increases the number of full-time Immigration and Customs Enforcement investigators by 800 per year for 5 years
- Increases the number of detention beds available to DHS for immigration detention and removal by 8,000 a year for 5 years
- Strengthens visa application requirements
- Denies entry to aliens who have committed atrocities abroad and also makes them deportable
- Criminalizes alien smuggling

### Terrorism Prevention

The conference agreement also contains numerous provisions to better enhance terrorism prevention, including the following:

- Amends the Foreign Intelligence Surveillance Act to cover “lone wolf” terrorists, with a sunset provision
- Provides new authorities to fight terrorism financing
- Enhances tracing of certain cross-border financial transactions
- Focuses on improving the analysis and sharing of information on terrorist travel
- Calls for the accelerated deployment of a biometric identification entry and exit system that would help verify the identities of individuals entering the leaving the U.S.
- Requires the establishment of nationwide minimum standards for driver's licenses and ID necessary to board domestic commercial aircraft and gain access to federal facilities
- Allows sharing of Grand Jury information to government officials to prevent or respond to terrorism
- Criminalizes providing “material support” to terrorism
- Criminalizes possession or trafficking of Weapons of Mass Destruction and prohibits bail

- Criminalizes possession or trafficking in missile systems designed to destroy aircraft and establishes appropriate mandatory minimum sentences

Office of the House Democratic Leader Nancy Pelosi, December 7, 2004  
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## **DEMOCRATS ARE RELIEVED THAT GOP DELAYING TACTICS ARE OVER AND 9/11 CONFERENCE REPORT IS COMING TO A VOTE**

### **After Weeks of GOP Delay, Steps Will Finally Be Taken to Make Country Safer**

Democrats are relieved that finally, after weeks of Republican delay, the conference report on the 9/11 reforms bill is coming to the House Floor. Democrats have been fighting for action on this urgently needed

legislation ever since the 9/11 Commission submitted its unanimous, bipartisan recommendations in July.

Unfortunately, House Republicans put a series of obstacles in the way of expeditious consideration and passage of these vital reforms.

Below are talking points.

### **In July, 9/11 Commission called for urgent action by Congress to make the country safer.**

On July 22, after over a year of work, the 9/11 Commission submitted its report and unanimous, bipartisan

recommendations to Congress. In submitting its recommendations, the Commissioners urged urgent action by

Congress. As Commission Chair Tom Kean said, *"Our recommendations will make our country safer and*

*more secure... We are convinced that the time for action is now. The status quo falls short. The status quo*

*does not protect the American people."*

### **Democrats have been fighting for quick enactment of the 9/11 commission's recommendations ever**

**since July.** Ever since the 9/11 Commission submitted its 41 recommendations to Congress in July,

Democrats have been fighting for action on these vitally important reforms. By contrast, the House GOP

leadership has been placing obstacles in the way of these reforms – reforms proposed by a 9/11 commission

that the GOP leadership had never supported in the first place.

**This long-delayed conference report includes numerous provisions to make America safer and more**

**secure.** This long-delayed conference report, implementing the recommendations of the 9/11 Commission,

will overhaul our intelligence agencies and take numerous other steps to make us more secure. For example,

the conference report includes improvements in aviation security, improvements in maritime security,

improvements in border security, provisions to facilitate the work of emergency responders, improvements in

public diplomacy, and key provisions to better prevent terrorism, including new criminal penalties and new

authorities to combat terrorism financing and terrorist travel.

**Instead of urgent action, there have been four months of delaying tactics by House Republicans.** It is

inexcusable that this legislation has taken so long to get to the President's desk. More than three years ago,

our country suffered the most devastating attacks in our history. Four months ago, the 9/11 Commission made

unanimous recommendations calling for urgent change. And yet the GOP-controlled Congress failed to act

expeditiously.

**House GOP leadership never dealt with the 9/11 reforms with a sense of urgency.**

The 9/11 commission

called upon Congress to respond to its report with a sense of urgency. And yet the first thing the House GOP

leadership did was have the House of Representatives go off on a 40-day summer recess. Although a few

hearings were held in the recess, no substantive work was accomplished. When Congress returned in

September, the House GOP leadership continued on a go-slow path. The final version of the House GOP 9/11

reform bill was not even unveiled until October 6 and passed on October 8. The GOP leadership claimed that

a conference report on the bill would be voted upon before the election – but, of course, given the GOP go-slow

approach, this never happened.

**Conference agreement should have been quick – because bipartisan Senate-passed bill had the support**

**of 75 Percent of the conferees.** It should have been relatively easy for the conferees on the 9/11 reform bill

to work rapidly and develop a consensus conference report. After all, going into the conference, the bipartisan

Senate-passed bill had the support of 75 percent of the conferees – the Senate Democrats, the Senate Republicans, and the House Democrats. All of the Senate conferees had voted for the Senate bill on October

6. Furthermore, on October 8, 190 House Democrats and 2 House Republicans had voted for a motion to recommit on the 9/11 reform bill that had contained the exact provisions of the Senate-passed bill. While addressing some of the concerns of the House Republicans, conferees should still have been able to develop a consensus product quickly.

**It was the stubbornness of House Republicans that led to this drawn-out process.**

In a radical departure from the spirit of bipartisan cooperation that characterized the work of the 9/11 Commission and characterized the work of the Senate, House GOP leaders isolated themselves – writing a bill without real input from the 9/11 Commissioners, the 9/11 families, or Democrats. The House GOP bill implemented only 11 of the Commission's 41 recommendations, and also included numerous controversial provisions that had nothing to do with the 9/11 Commission's recommendations. The inadequate House bill was consistent with the obstruction House Republicans have shown over the last two years. The record of House Republicans has been one of obstruction when it comes to the 9/11 Commission – from voting against its creation in 2002 – to opposing its extension in February 2004 – to passing a GOP bill that failed to implement most of the Commission's recommendations. Therefore, it is not surprising that it is because of the stubbornness of House Republicans that the conference report on the critically important 9/11 reform bill is not being brought to the Floor of the House until December 7.

Office of the House Democratic Leader Nancy Pelosi, December 7, 2004

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